

Amendment No. 1098

Senate Amendment to Assembly Bill No. 425 Second Reprint	(BDR 14-945)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AMM/AAK



Date: 6/2/2019

A.B. No. 425—Revises provisions governing fingerprinting services.
(BDR 14-945)



ASSEMBLY BILL NO. 425—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing fingerprinting services.
(BDR 14-945)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public affairs; ~~requiring the Director of the Department of Public Safety to adopt regulations governing certain fingerprint businesses and persons who provide fingerprinting services;~~ requiring the Director to provide for audits to ensure ~~certain persons comply with such regulations;~~ ***compliance with applicable laws, regulations and standards;*** requiring persons who wish to establish or own certain fingerprint ~~businesses~~ ***facilities*** to enter into certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Public Safety to adopt certain regulations and provide for certain audits. (NRS 179A.080) **Section 5.5** of this bill requires the Director to ~~adopt regulations governing: (1) certain fingerprint businesses; and (2) persons who provide fingerprinting services for such fingerprint businesses. Section 5.5 further requires the Director to~~ provide for certain audits to ensure ~~certain persons comply with such regulations.~~ ***compliance with all applicable laws, regulations and standards.***

Existing law creates the Central Repository for the Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety. Existing law authorizes the Records, Communications and Compliance Division to request of and receive from the Federal Bureau of Investigation information on the background and personal history of certain persons whose fingerprints the Central Repository submits to the Federal Bureau of Investigation. (NRS 179A.075) **Section 5** of this bill requires a person wishing to establish or own a fingerprint ~~business~~ ***facility*** that transmits or forwards fingerprints to the Central Repository to enter into a contract with the Central Repository.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 179A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in NRS 179A.075 to 179A.160, inclusive, and sections 2 to 5, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 ~~1, 2, 7~~ and 3 of this act have the meanings ascribed to them in those sections.*

Sec. 2.3. (Deleted by amendment.)

Sec. 2.5. 1. “Fingerprint ~~business~~ facility” means a ~~business~~ facility located in this State which uses fingerprinting and network equipment to provide fingerprinting services. The term includes, without limitation, such a ~~business~~ facility that provides mobile fingerprinting services.

2. The term does not include:

(a) Any local, state or federal agency, including, without limitation, any law enforcement agency; or

(b) A facility where fingerprinting services are rendered that does not transmit or forward the biometric data in the form of fingerprints to the Central Repository.

Sec. 2.7. ~~“Fingerprint technician” means a person who provides fingerprinting services for a fingerprint business.~~ (Deleted by amendment.)

Sec. 3. “Fingerprinting service” means the act of collecting, including, without limitation, collecting electronically, biometric data in the form of fingerprints.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. ~~The provisions of sections 2 to 5, inclusive, of this act and the regulations adopted by the Director of the Department pursuant to subsection 4 of NRS 179A.080 do not apply to:~~

~~1. Any local, state or federal agency, including, without limitation, any law enforcement agency; or~~

~~2. A business where fingerprinting services are rendered that does not transmit or forward the biometric data in the form of fingerprints to the Central Repository.~~ (Deleted by amendment.)

Sec. 5. *A person who wishes to establish or own a fingerprint ~~business~~ facility that transmits or forwards to the Central Repository the biometric data in the form of fingerprints must enter into a contract with the Central Repository.*

Sec. 5.5. NRS 179A.080 is hereby amended to read as follows:

179A.080 The Director of the Department is responsible for administering this chapter and may adopt regulations for that purpose. The Director shall:

1. Adopt regulations for the security of the Central Repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of information relating to records of criminal history and information disseminated pursuant to federal laws and regulations.

3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

~~4. Adopt regulations governing fingerprint businesses, including, without limitation, the persons who establish or own such businesses, and fingerprint technicians. Such regulations must govern~~

~~(a) The use of fingerprinting equipment; and~~
~~(b) The qualifications a person must meet to:~~
~~(1) Establish or own a fingerprint business; or~~
~~(2) Act as a fingerprint technician.~~
~~5. Provide for [an audit] preliminary and periodic audits of fingerprinting and network equipment to ensure compliance with [the regulations adopted pursuant to subsection 4].~~
~~(a) If applicable, before a person may:~~
~~(1) Establish or own a fingerprint business; or~~
~~(2) Act as a fingerprint technician; and~~
~~(b) By a person who:~~
~~(1) Establishes or owns a fingerprint business; or~~
~~(2) Acts as a fingerprint technician.] all applicable laws, regulations and standards.~~

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary and administrative tasks necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes.